

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES DEAN WILKS,

Plaintiff,

v.

KING COUNTY, *et al.*,

Defendants.

No. C06-615RSL

ORDER OF DISMISSAL

This matter comes before the Court on the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge (Dkt. #40). Defendants filed a motion for partial summary judgment on May 16, 2007 (Dkt. #29) and a motion for summary judgment (Dkt. #33) on June 18, 2007. Plaintiff failed to respond to these motions. On September 5, 2007, Judge Donohue recommended dismissal of this action with prejudice. See Dkt. #40 (Report and Recommendation). On September 26, 2007, plaintiff filed objections to the Report and Recommendation. See Dkt. #40. Plaintiff, however, did not substantively respond to defendants' motions for summary judgment. Instead, plaintiff moved to remove Judge Donohue and the undersigned from hearing this case, moved for more time to respond to the motions, and requested copies of some of the filings in the case. Id. On September 28, 2007, this Court denied plaintiff's motion to remove Judge Donohue and on October 10, 2007, the Honorable Marsha J. Pechman, United States District Judge, denied plaintiff's motion to remove the undersigned. See Dkt. ##43, 44.

ORDER OF DISMISSAL

1 This Court granted plaintiff's request for copies of the requested documents, granted an
2 extension of time, and ordered plaintiff to file any objections to the Report and
3 Recommendation, including his response to defendants' summary judgment motions, by Friday,
4 November 30, 2007. See Dkt. #48 (Order Granting Plaintiff's Request for Extension of Time
5 and Order Resetting Report and Recommendation). The Court also reset its consideration of the
6 Report and Recommendation for December 7, 2007 if no objections were filed. After granting
7 plaintiff's request for extension of time, plaintiff has failed to file any objections to the Report
8 and Recommendation or any response to defendants' motions for summary judgment.
9 Accordingly, the Report and Recommendation is now properly before the Court for
10 consideration.

11 The Court, after careful review of defendants' motions for summary judgment in this 42
12 U.S.C. § 1983 civil rights action, together with all papers in support and opposition to the
13 motions, Judge Donohue's Report and Recommendation, and the balance of the record, does
14 hereby find and ORDER:

15 (1) The Court adopts the Report and Recommendation concluding that defendants have
16 met their burden under Fed. R. Civ. P. 56(c) by showing that plaintiff lacks essential evidence to
17 support his case and defendants are entitled to summary judgment, and concluding that by
18 failing to substantively respond to defendants' motions, plaintiff has failed to meet his burden
19 under Fed. R. Civ. P. 56(e) to "set forth specific facts showing there is a genuine issue for trial."
20 See Dkt. #40 at 3.

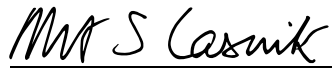
21 (2) "Defendants' Motion for Partial Summary Judgment" (Dkt. #29) and "Motion for
22 Summary Judgment" (Dkt. #33) are GRANTED, and this case is DISMISSED with prejudice.

23 (3) The Clerk of Court is directed to enter judgment accordingly and to send copies of
24 this Order to the parties.

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1 DATED this 11th day of December, 2007.

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4 Robert S. Lasnik
5 United States District Judge
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